

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE (IEBC)
WITH AMENDMENTS INTO THE 2007 CALIFORNIA EXISTING BUILDING CODE (CEBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons to be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt the most recent edition of the Uniform Code for Building Conservation (UCBC) published by the International Conference of Building Officials (ICBO) into Part 10 of Title 24, of the California Code of Regulations. ICBO notified HCD and the California Building Standards Commission (CBSC) that ICBO no longer publishes the UCBC. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4th 245 (Ct of Appeal 3rd Dist) the CBSC is not limited to the statutorily identified model codes.

2) Specific Purpose

The CBSC selected the 2006 International Existing Building Code (IEBC), published by the International Code Council (ICC), as the model code to be referenced in Title 24, Part 10 for the 2006 Triennial code adoption cycle.

The specific purpose of these regulations is to adopt by reference the 2006 edition of the IEBC, with California amendments, as indicated on the attached matrix table, into Part 10, Title 24, CCR for the following programs:

- a) State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through California Fair Employment and Housing accessibility requirements, except where the application is for public use only, in accordance with Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910.
- b) Mobilehome Parks or Special Occupancy Parks:** relative to any permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.
- c) Employee Housing Act:** relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- d) Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The IEBC Appendix A, Chapter A 1, was published by the ICC and will automatically become adopted in its entirety, pursuant to Health and Safety Code Section 17922(b), one year from its date of publication, if not adopted by the CBSC.

If the 2006 IEBC Appendix A, Chapter A 1, is adopted in its entirety without being adopted by the CBSC, such automatic adoption would cause considerable confusion because California amendments, also known as State amendments, are necessary modifications to the model code language to incorporate state and federal laws and to address unique California conditions.

It is necessary to propose the adoption of some sections of the 2006 IEBC Appendix A, Chapter A 1, with amendments to the language to incorporate state and federal laws and regulations, and to address unique California conditions.

It is necessary to not propose the adoption of some sections of the 2006 IEBC Appendix A, Chapter A 1, as they would conflict with certain existing state and federal laws and certain California conditions.

It is necessary to propose to bring forward previously existing California amendments which represent no change in their effect from the 2001 Triennial California Building Standards Code. Some of the existing California amendments will be amended as follows:

- Renumbering in order to fit into the newly adopted text of the 2006 edition of the IEBC
- Adding or changing the references to the application authority [HCD 1 & HCD 2]
- Language changes for clarification of existing law
- Not adopting into the text of the 2006 edition of the IEBC

NOTE: Changes have been grouped into types of amendments. Thus, a specific section of code may appear more than once because the section has more than one type of amendment.

Specific Proposed Regulatory Actions:

APPENDIX A CHAPTER A 1 SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

HCD proposes to adopt the entire Chapter A 1 into Title 24, Part 10, of the California Existing Building Code (CEBC) with amendments noted below and on the attached Matrix Adoption Table.

SECTION: A100 – APPLICATION.

HCD proposes to bring forward the above listed California amendment into Title 24, Part 10, of the California Existing Building Code (CEBC) without modification. The heading “Application” is provided to identify the section and as a reference to provide clarity for the code user and consistency with other sections of code. There is no change in effect from the existing amendment in the 2001 CCBC.

Section: A100.1 Vesting Authority.

HCD proposes to bring forward the above listed California amendment into Title 24, Part 10, of the California Existing Building Code (CEBC) with modification. HCD proposes to remove the existing language in subsection 1 and insert the California Building Standards Commission’s proposed amendment as subsection 1 of this section. The above section is proposed to identify Housing and Community Development and California Building Standards Commission’s application and authority to enforce the provisions of this code. The changes are proposed to provide clarity and direction to the code user, and for consistency with other sections of code. There is no change in effect from the existing amendment in the 2001 CCBC.

SECTION: A102 – SCOPE

Section: A102.2

HCD proposes to adopt this model code section with non-substantive modification. The word “International” is deleted and “California” is added to reference the correct Building Code. The change is necessary to provide consistency with other sections of code. There is no change in regulatory effect from the 2001 CCBC.

SECTION: A103 – DEFINITIONS

HCD proposes to adopt this model code section with non-substantive modification. The words “California” and “as adopted by the California Building Standards Commission (CBSC)” are added to clarify the correct Building Code reference. The change is necessary to provide consistency with other sections of code. There is no change in regulatory effect from the 2001 CCBC.

BUILDING CODE. HCD proposes to adopt this model code section with modification. Scoping language is added to identify HCD’s application of this section and language is added to reference the California Building Code as adopted by the CBSC, to provide clarity for the user and consistency with other sections of code.

SECTION: A105 – GENERAL REQUIREMENTS

Section: A105.4

HCD proposes to adopt this model code section with non-substantive modification. The word “International” is deleted and “California” is added to reference the correct Building Code. The change is necessary to provide consistency with other sections of code. There is no change in regulatory effect from the 2001 CCBC.

SECTION: A108 – DESIGN STRENGTHS

Section: A108.2

HCD proposes to adopt this model code section with non-substantive modification. The word “International” is deleted and “California” is added to reference the correct Building Code. The change is necessary to provide consistency with other sections of code. There is no change in regulatory effect from the 2001 CCBC.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

None.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency’s reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. (See *Economic Impact of the Proposed International Existing Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.